

REMARKS

The Examiner has indicated that the reissue oath/declaration filed with this application is defective because it fails to identify at least one error that is relied upon to support the reissue application. Particularly, the Examiner contends that the error is not recited correctly, and that specific changes to the claims must be identified, pointing out the difference in language between the original claims and the new claims. Language being removed as unnecessary must also be listed. Although applicant was unable to find such specific requirements in the rules of reissue applications set forth in MPEP 1400, applicant herein identifies the difference in claim language.

Further, the Examiner indicated that the reissue oath/declaration filed with this application was defective because it failed to contain a statement that all errors that are being corrected in the reissue application up to the time of filing the oath/declaration arose without any deceptive intention on the part of the applicant. In response to this, the Examiner's attention is drawn to the original reissue oath/declaration filed with this application wherein, the Patent Office's own PTO/SB/51 form was employed, and, at page 2, includes the requisite statement. In a teleconference with the undersigned attorney, the Examiner indicated that a supplemental oath/declaration was needed in this case, and such an oath/declaration is being submitted with this response. It is believed that the supplemental oath/declaration, the original oath/declaration, and the statement of errors in the claims (to follow) will overcome the Examiner's concerns in paragraphs 1-4 of the detailed action. In the event that such is not the case, the undersigned attorney would welcome a telephone call.

The Examiner indicated that the amendments filed 1/3/02 and 10/3/03 must be resubmitted because they did not comply with rule 1.173. Particularly, the claims were not marked up as they should be relative to the original patent. Thus, herein, applicants have endeavored to provide all amended and non-canceled claims in the proper format for reissue applications. Particularly, all amendments presented in this reissue application were in added claims, and those new claims were not underlined as required by the rules regarding reissue amendments. Thus, the claims are submitted here underlined as they should be. Because the Examiner indicated that all amendments should be presented relative to the original patent, the

newly added claims are simply underlined because every word is, in essence, being added. Again, it is believed that this properly addresses the Examiner's concerns, but, if such is not the case, the undersigned attorney would welcome a telephone call.

Some of the claims have been amended in the current application, at least as to their format. Thus, in accordance with 37 C.F.R. 1.173, the status of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims is now included. Claims 1-20 were the original claims of the issued patent, and they have not been amended or changed in this reissue. Claims 1-20 have been allowed during the prosecution of this reissue. Claims 21-25 are allowable over the prior art, as indicated in the Examiner's Office Action of February 27, 2003, but they are now rejected as being based upon a defective reissue declaration. They are also now "currently amended" in light of the Examiner's rejection of the previously submitted amendments for not being in compliance with rule 1.173.

Claim 26 is currently amended to be in proper reissue amendment format and to correct the section 112 rejection previously leveled by the Examiner. Claims 27-29 are canceled. Claims 30-34 are currently amended to be in proper reissue amendment format and to accept the Examiner's indication that they would be allowable if written in independent form, as set forth in the Office Action of February 27, 2003.

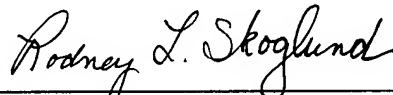
The changes made to the claims, i.e., the differences between the newly added claims and the claims of the original issued patent, are supported by the disclosure inasmuch as the invention within the disclosure is not to be limited to the particularly preferred embodiments disclosed therein, and the present claims, using broader language for certain elements of the invention, are readily supported by the specific embodiments disclosed therein. With respect to independent claims 21, language regarding the orientation of the housing has been removed, but a "housing" is certainly supported by the specification. The "shelf" mounting means of the original claims is substantially similar to the "shelf mount" of claim 21, such that that element is also supported. The warning sign of claim 21 is substantially similar to the "warning arm" of the original claims, although some narrowing limitations as to warning arm's orientation has been removed. These same arguments apply to the housing, warning sign, and shelf mounting

bracket of claim 30, 32 and 33. All other claims are dependent and are supported by more of the specifics of the preferred embodiment disclosed in the patent.

Every effort has been made to respond to the all of the Examiner's concerns, and to bring the record into conformance with reissue practice, and, in the event that any matter is still left unresolved, the undersigned attorney would welcome a telephone call. It is believed that this response addresses all of the Examiner's concerns and, thus, a Notice of Allowance is earnestly solicited for all pending claims.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,



Rodney L. Skoglund, Reg. No. 36,010
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646

Attorney for Applicant(s)

Dated: October 24, 2005